

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Trooper Matthew D. Kohus,

Case No. 1:09cv658

Plaintiff,

v.

Judge Michael R. Barrett

Ohio State Highway Patrol, et al,

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“Report”) filed by Magistrate Judge Stephanie K. Bowman on February 15, 2011 (Doc. 120). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).¹

Despite the fact that the Court gave Plaintiff Kohus an extension of time to object (Doc. 124), no objection to the Report has been filed. Instead, Plaintiff Kohus has improperly filed Plaintiff’s Notice of Voluntary Dismissal Without Prejudice Under Rule 41(a) (Doc. 125). By rule, such a voluntary dismissal must be “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(ii); *see also Green v. Nevers*, 111 F.3d 1295, 1300 (6th Cir. 1997) (holding that a stipulation of dismissal that did not contain the signatures of every party with an interest in the outcome of a case was not a valid dismissal). Plaintiff Kohus’s dismissal was only signed by himself. (Doc. 125.)

¹ A notice was attached to the Report regarding objections. (Doc. 120, 33.)

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommended (Doc. 120, 32), Defendants' motion to dismiss Plaintiff's Second Amended Complaint (Doc. 56) is **GRANTED**, and this action is **DISMISSED with PREJUDICE** and stricken from the active docket.

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE